

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARILYN KUNELIUS,

Plaintiff,

v.

TOWN OF STOW, et al.

Defendants.

Civil Action No. 05-11697-GAO

MOTION FOR SUMMARY JUDGMENT OF DEFENDANT
CRAIG A. MACDONNELL

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Craig A. MacDonnell hereby moves for summary judgment on all remaining counts of the Complaint filed by Plaintiff Marilyn Kunelius against Mr. MacDonnell (Counts V, VI and VII).

Mr. MacDonnell is Massachusetts State Director of Defendant The Trust For Public Land and was its Project Manager for the Kunelius project. In pursuing conservation of the Kunelius property, Mr. MacDonnell was only doing his job, and there is no legal or factual basis for personal liability.

As grounds for this Motion, Mr. MacDonnell relies on the accompanying Memorandum of Law and Statement of Undisputed Facts submitted jointly with The Trust for Public Land.

REQUEST FOR ORAL ARGUMENT

Mr. MacDonnell believes that oral argument may assist the Court and wishes to be heard. Accordingly, Mr. MacDonnell requests that the Court grant a hearing on this Motion pursuant to Local Rule 7.1(D).

Dated: October 17, 2007

Respectfully submitted,

CRAIG A. MACDONNELL

By his attorneys,

/s/ Richard A. Oetheimer

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CERTIFICATION UNDER LOCAL RULE 7.1 AND CERTIFICATE OF SERVICE

I, Patricia Murphy, hereby certify that counsel for Craig MacDonnell conferred with Michael McLaughlin, counsel for Plaintiff, in a good faith attempt to narrow the issues in this motion prior to its filing. The parties were unable to reach any agreement on the issues raised in this motion and memorandum of law.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 17, 2007.

/s/ Patricia M. Murphy

Patricia M. Murphy